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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Scott Allan Kendall

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09/11/2009

Thomson Licensing LLC

P.O. Box 5312

Two Independence Way

PRINCETON, NJ 08543-5312

EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2424

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,043	Applicant(s) KENDALL, SCOTT ALLAN	
	Examiner SAHAR A. BAIG	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,7-11,14-18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-11,14-18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 06/03/2009 have been fully considered but they are not persuasive. Applicant argues that the Lemelson reference fails to disclose the following limitation: "providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance wherein the said reference point corresponds to a location of a transmitter which transmits emergency alert signals, and wherein said predetermined distance corresponds to a transmission range of said transmitter." Examiner respectfully disagrees. The combination of Thibadeau and Lemelson is proper when it comes to showing that predetermined output can be displayed to a user when the range of service exceeds. In Thibadeau, when a location of interest which is set by the user falls outside a region of free delivery service, the user is given a "predetermined output" message to inform that no service exists for the specified user location since it is out of range. Lemelson discloses a warning system where a transmitter is only in direct communication with remote warning devices which are equipped with GPS. When a disaster strikes and the transmitter transmits the emergency warning to the GPS equipped devices, it is the said devices that provide the "predetermined output", which is the disaster warning in this case, when the distance between the transmitter and the input representing a geographical area which is selected by the user exceeds the range of the transmitter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7-11, 14-18, and 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Thibadeau et al. (US Patent No. 5,565,909) in view of Lemelson et al. (US Patent No. 6,084,510).

Regarding Claim 1, 3, 8, 10, 15, and 17, Thibadeau discloses a method for controlling a television signal receiver having an emergency alert function with an associated setup process [**Figure 12 and Col. 10 lines 25-35**], said setup process comprising [**Col. 3 lines 35-40**]: receiving an input representing a geographical area [**Col. 20 lines 61-65**]; and providing a predetermined output when a distance between a reference point and a predetermined point associated with said geographical area exceeds a predetermined distance [**Col. 6 lines 8-13 & Col. 7 line 55- Col. 8 line 7** *When a location of interest which is set by the user falls outside a region of free delivery service, the user is displayed this information or "predetermined output"*]. Thibadeau discloses that the reference point corresponds to a location of a transmitter which transmits

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emergency alert signals **[Col. 8 lines 8-10]**. However Thibadeau fails to explicitly teach that a warning is displayed when the distance between a location of the transmitter and its range exceeds. In analogous art, Lemelson discloses a warning system where a transmitter is only in direct communication with remote warning devices. Thus when the distance between a predetermined point (associated with the user selected input representing a geographical area) and the location of the transmitter exceeds the range of said transmitter a predetermined output is provided to the user **[Col. 4 lines 1-30]**. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Thibadeau and Lemelson so that user of the receiver, rather than only the broadcaster, has the ability to define which geographic area or areas are of interest to the user when setting a emergency warning device.

Regarding Claim 2, 9, and 16, Thibadeau fails to explicitly teach the use of FIPS location code. Federal Information Processing Standards (FIPS) are publicly announced standards developed by the United States Federal government for use by all non-military government agencies and by government contractors. To include this feature would have been obvious to one of ordinary skill in the art.

Regarding Claim 4, 7, 11, 14, 18, and 21, Thibadeau discloses the said reference point to be a center point of said other geographical area **[Col. 13 lines 63-64; Region 302 is the region surrounding the location of interest 304.]**

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art
Unit 2424

SB